United Nations A/C.6/61/SR.6

General Assembly
Sixty-first session

Official Records

Distr.: General
10 November 2006

Original: English

Sixth Committee

Summary record of the 6th meeting
Held at Headquarters, New York, on Monday, 16 October 2006, at 3 p.m.

Chairman: Mr. Gómez Robledo ..... (Mexico)

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06-57293 (E)

The meeting was called to order at 3.05 p.m.

Agenda item 79: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/61/33, A/61/153** and A/61/304)

1. **Ms. Sotaniemi** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Serbia; and, in addition, Iceland, Norway, Moldova and Ukraine, said that the European Union remained convinced that targeted sanctions were a critical tool in maintaining or restoring international peace and security. To be credible and efficient, sanctions needed to be designed carefully, with due regard to legal safeguards and to minimizing their adverse impact on third parties. Discussions should continue on the development of sanctions regimes, which should be constantly reviewed. It was particularly important to have fair and clear listing and de-listing procedures.

2. She welcomed the Security Council's open debate in June on the strengthening of international law and the practical progress achieved by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities in improving its sanctions regime, in particular its adoption of a cover sheet/standard form for listing submissions. The Committee, with the support of the Analytical Support and Sanctions Monitoring Team, should continue to develop its guidelines. The European Union was pleased that such issues were high on the Committee's agenda and welcomed the proposal to continue discussing the de-listing procedure. The envisaged mechanism would enable individuals to forward their de-listing request to a focal point in the Secretariat. Input from the Secretary-General was also welcome.

3. Work had also been done outside the United Nations, in particular the study on "Strengthening Targeted Sanctions through Fair and Clear Procedures" and the joint European Union-United States workshop on transparent and fair listing and de-listing. While the various proposals on sanctions were welcome, the Special Committee should avoid duplicating work assigned and done elsewhere. The Committee should, therefore, conclude its work on the issue as a matter of urgency.

4. She welcomed the Special Committee's draft resolution on the commemoration of the sixtieth anniversary of the International Court of Justice, reaffirmed the European Union's support for the Court and recalled in the recommendation of the 2005 World Summit Outcome that States that had not yet done so should consider accepting its jurisdiction. The European Union maintained the view that the Committee should refrain from seeking an advisory opinion concerning the use of force.

5. The European Union welcomed the progress made by the Secretary-General in preparing the studies of the *Repertory of Practice of United Nations Organs* and updating the *Repertoire of the Practice of the Security Council* and supported their early introduction on the United Nations website. The Secretariat should further strengthen the work of the Interdepartmental Committee on Charter Repertory and increase cooperation with academic institutions. Member States, meanwhile, should contribute further to the two trust funds established to facilitate the preparation of the publications.

6. The 2005 World Summit's recommendation that Chapter XIII of the United Nations Charter and references to the Trusteeship Council in Chapter XII be deleted, meanwhile, should be implemented in due time. Lastly, while the adoption of the working paper on the Special Committee's working methods was welcome, that Committee must improve its working methods further. The proposal to discontinue the Committee's annual meetings was a clear signal for change. The European Union would also be cautious about adding any new items to the Special Committee's agenda.

7. **Mr. Talbot** (Guyana), speaking on behalf of the Rio Group, underscored the Special Committee's important contribution to the revitalization process and to efforts to strengthen the United Nations. The fulfilment of its mandate depended not only on the adaptation of its working methods, but also on the political will of Member States. The Special Committee played a significant role vis-à-vis the reform process and 2005 World Summit decisions concerning the Charter. The Rio Group reiterated its proposal concerning the inclusion of two new issues in the Committee's programme of work: "Review of the

rules of procedure of the General Assembly" and "Consideration of the legal aspects of the reform of the United Nations".

8. The Group also reiterated its principled position that disputes should be settled by peaceful means and that coercive measures should be applied as a last resort and in accordance with the Charter of the United Nations. Sanctions regimes invoked and applied legitimately were more effective, but should be imposed only when all peaceful means of settlement of disputes had been exhausted and in cases of a threat to, or a breach of, the peace. Moreover, they should be administered in accordance with precise time frames and objectives and be subject to an objective review and assessment of their effects.

9. The Rio Group welcomed the report of the Secretary-General on implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/61/304) and the conclusion of the Security Council informal working group on general issues of sanctions that targeted sanctions tended to have minimal negative effects on civilian populations and third States. The Group was pleased that all of the Council's existing sanctions regimes were targeted in nature and called for the ongoing application of measures aimed at giving assistance to third States affected by the application of sanctions.

10. Lastly, the Rio Group fully supported the Secretariat's efforts to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and the progress made in posting them on the United Nations website. He hoped that they would soon be available in all six official languages. He urged States to contribute to the corresponding trust funds and the Secretariat to continue to enhance cooperation with academic institutions.

11. **Mr. Grey-Johnson** (Gambia), speaking on behalf of the African Group, said that the Security Council's power to impose sanctions should be exercised in accordance with the Charter of the United Nations and international law. Sanctions should be considered only after all means of peaceful settlement of disputes had been exhausted, be imposed for a precise time frame, and be lifted as soon as their objectives were achieved. They should also be non-selective and targeted, to mitigate their negative impact on the civilian population. He also stressed the need for strict adherence to Article 50 of the Charter.

12. The African Group recalled all relevant General Assembly resolutions, in particular resolution 60/23, and their various provisions for assisting third States affected by the application of sanctions and took note of the work done thus far by the Security Council informal working group on general issues of sanctions.

13. The African Group welcomed the Russian Federation's flexibility regarding the final form of the revised working paper entitled "Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures" and supported the idea of annexing it to a General Assembly resolution. He also supported the salient points raised in the proposal of the Libyan Arab Jamahiriya, in particular the provision on possible payment of compensation to target and/or third States for damage done by sanctions unlawfully imposed, and encouraged the Special Committee to continue its consideration of all other relevant proposals.

14. While reaffirming the principles enshrined in the Charter relating to the freedom to choose the means of peaceful settlement, the African Group reiterated the important role played by judicial mechanisms, in particular the International Court of Justice. It also urged Member States to make effective use of existing procedures and methods for the prevention and peaceful settlement of disputes, in accordance with the Charter.

15. Lastly, he welcomed the Secretary-General's conclusions regarding the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and the progress made in eliminating the backlog in their publication.

16. **Mr. Anwar** (India) said his delegation was pleased that the Special Committee had adopted the working paper concerning its working methods, which aimed to avoid duplication, narrow the Special Committee's focus, encourage early submission of proposals, establish a cut-off mechanism to prevent prolonged and ineffective discussions, limit consideration of some issues to once every two or three years, and allow for reconsideration of the duration of sessions. He hoped that its implementation would lend new momentum to the Special Committee's work.

17. The International Court of Justice was an important forum for the peaceful settlement of international disputes and had contributed significantly to both the maintenance of international peace and security and the development of international law on a wide range of issues. Once adopted by the General Assembly, the draft resolution on the commemoration of the sixtieth anniversary of the Court would convey the Assembly's appreciation to the Court.

18. The Russian Federation proposal regarding effective implementation of Article 50 of the Charter was still on the agenda. Immediate action was needed to implement the section of the 2005 World Summit Outcome that addressed sanctions, in particular paragraph 108. With regard to the Russian Federation proposal on United Nations peacekeeping operations in the context of Chapter VI of the Charter, while other specialized committees dealt with peacekeeping's political and operational aspects, the Sixth Committee could contribute from the legal angle. The allocation to the Sixth Committee of the agenda item entitled "Comprehensive review of the whole question of peacekeeping operations in all their aspects" reflected the need for legal scrutiny of the subject. The Belarus and Russian Federation proposal to seek an advisory opinion from the International Court of Justice as to the legal consequences of the use of force by States without prior authorization by the Security Council, meanwhile, would help to clarify some important legal aspects of the matter.

19. Recalling the Cuban proposal aimed at redefining the powers and functions of the General Assembly and its relationship with the Security Council, he said that India attached great importance to United Nations reform. The Security Council's continuing encroachment on General Assembly mandates was of great concern. He welcomed proposals aimed at making the Security Council more representative, legitimate and effective and hoped that they would receive the attention they deserved. India was committed to a stronger, more efficient United Nations. Because the International Court of Justice had no automatic power of judicial review of Security Council decisions, it was important to introduce checks and balances by expanding the latter's permanent and non-permanent membership. Sanctions policy would also be more rational as a result.

20. Lastly, India supported the ongoing work on the *Repertory of Practice of United Nations Organs* and the efforts to update the *Repertoire of the Practice of the Security Council*.

21. **Mr. Abdelsalam** (Sudan) said the report of the Special Committee was commendable but failed to reveal any tangible outcome from the objective proposals submitted to that Committee. Referring to the 2005 World Summit Outcome, in particular paragraphs 106 and 107 relating to sanctions, he said that sanctions were a last resort after all peaceful means had been exhausted and should not harm civilian populations or third parties. Strict and objective criteria were essential for defining the objectives of sanctions, which should have time frames and be subject to periodic review, including assessment of their effects. It was thus regrettable that the provisions of the Charter, the content of the 2005 World Summit Outcome and the broad approach of Member States were all being brushed aside, sanctions having become a goal in themselves to be used extremely selectively, without moral or legal deterrent, as a means of political pressure and blackmail aimed at achieving narrow regional aims. Increasingly, moreover, they were being applied before all means for the peaceful settlement of disputes under Chapter VI of the Charter had been exhausted. In that context, experience had proved that measures which inflicted harm on the civilian population did not change the policies of the target State. Instead, they merely served as a form of collective punishment that wreaked economic and social havoc.

22. He supported the revised proposal submitted by Cuba on strengthening the role of the Organization and enhancing its effectiveness and agreed entirely with the conclusion set forth in the penultimate paragraph concerning the nature of the reform needed to revitalize the Organization. He also supported the ideas contained in the revised working paper submitted by the Russian Federation concerning the basic conditions and standard criteria for the introduction and implementation of sanctions, as well as the Russian working paper on the fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter. Both documents served as a basis for work aimed at filling a gap in areas in which the United Nations had become increasingly active. He hoped such endeavours would be complemented by those of the Sixth Committee in the context of its discussions on a comprehensive review of the whole question of peacekeeping

operations in all their aspects. Lastly, he welcomed the efforts of the Secretariat in connection with the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and applauded the proposals on the subject contained in the Special Committee's most recent report.

23. **Mr. Lamine** (Algeria) said that sanctions should be imposed only as a last resort, after the exhaustion of all peaceful means of settlement of disputes, in strict conformity with the Charter and international law, and only after the Security Council had determined the existence of a threat to the peace, breach of the peace or act of aggression. They should be subject to periodic review and be lifted as soon as their objectives had been attained. In that regard, he recalled the agreement reached at the 2005 World Summit regarding sanctions.

24. Article 50 of the Charter should not be interpreted as being purely procedural in nature; the duty to assist third States affected by sanctions was a key component of the collective security system and implied a sharing of the sacrifices caused by sanctions. Such assistance would also help third States respect sanctions, thereby making the latter more effective and credible. In that regard, he welcomed the work done by the Security Council informal working group on general issues of sanctions and the decisions taken to reduce the effects of sanctions on civilian populations, most recently in Liberia.

25. Resort to the use of force without prior Security Council authorization, except in the exercise of self-defence, deserved serious attention because of its grave implications. His delegation supported the Belarus and Russian Federation proposal to seek an advisory opinion from the International Court of Justice on the use of force. The initiative was based on a fundamental principle of the Charter — the non-use of force or threat of force — and was therefore very relevant. The use of force in international relations was acceptable only in exercise of the right to self-defence or if the Security Council decided that there was a threat to the peace, breach of the peace or act of aggression. Any other interpretation would jeopardize international peace and security. He hoped that a consensus would emerge so that the General Assembly could, at last, seek an advisory opinion from the International Court of Justice.

26. He hoped that further consideration would be given to the Cuban working paper entitled "Strengthening of the role of the Organization and enhancing its effectiveness" and support given to the efforts of other organs to reform and revitalize the General Assembly.

27. Lastly, he expressed appreciation for the Secretariat's efforts to ensure that the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were published regularly, the progress made in eliminating the backlog in their publication, and the fact that they had been posted on the Internet.

28. **Mr. Saw Hla Min** (Myanmar) welcomed the Special Committee's in-depth consideration of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions, and endorsed the view that any negative impact on civilian populations and third States as a result of sanctions, particularly special economic problems, should be minimized through practical and timely assistance to those affected.

29. Recalling paragraph 106 of the 2005 World Summit Outcome, he said that sanctions were a blunt instrument, the use of which raised the fundamental ethical question of whether it was legitimate to inflict suffering on vulnerable groups in the target country as a means of exerting pressure. The objective of sanctions was not to punish or otherwise inflict retribution on the populace. They must be applied in accordance with strict and objective criteria, particularly the provisions of the Charter and international law, for a specified duration and on tenable legal grounds, and should be lifted as soon as their objectives had been achieved. They were not applicable "preventively" in cases of violation of international law, norms or standards.

30. Referring to the request contained in the draft resolution submitted by Belarus and the Russian Federation for an advisory opinion from the International Court of Justice, he said that Myanmar considered the unilateral use of force without the authorization of the Security Council to be a violation of the Charter. An advisory opinion to that effect would effectively silence attempts to justify the unilateral use of force and would also help to strengthen the principle of non-use of force or threat of force.

31. Myanmar welcomed the fact that the Special Committee had devoted two meetings to consideration

of ways to strengthen the role of the Organization and enhance its effectiveness. In that regard, the proposal contained in the working paper submitted by Cuba was both useful and timely. In strengthening the Organization, it was essential to maintain the balance among the principal organs of the United Nations with regard to their respective functions and powers, particularly in view of the increasing encroachment by the Security Council on issues falling within the competence of the General Assembly. Given the important issues the Special Committee considered and the fact that its work was crucial in strengthening the Organization and promoting multilateralism, which Myanmar strongly supported, the Special Committee deserved the continued support of its entire membership.

32. **Mr. El-Sager** (Libyan Arab Jamahiriya) said that his delegation, which had submitted valuable proposals on some of the main items on the Special Committee's agenda, had participated actively in the Committee's work and hoped that it would play a fundamental role in the reform of the United Nations in the light of earlier deliberations and the consultations currently under way. His country's specific proposals on the subject of sanctions and the maintenance of international peace and security, to which it attached great importance, had been duly discussed together with those submitted by Cuba and the Russian Federation. He therefore hoped that, during the current session, the General Assembly would be able to adopt measures relating to conditions and criteria for the introduction of sanctions that included a set time frame, periodic review and the lifting of sanctions once the reasons for their implementation no longer applied. Sanctions should be used to deter acts that violated international law, although they should not be imposed until all other means provided for under the Charter had been exhausted.

33. Non-use of force was a deeply rooted principle of international law that should be upheld. His country therefore supported the proposal submitted by Belarus and the Russian Federation to request an advisory opinion from the International Court of Justice as to the legal consequences of resort to the use of force in certain circumstances. The issue of the strengthening of certain principles concerning the impact and application of sanctions should remain on the Special Committee's agenda until its consideration was complete, as should the issue of strengthening the role of the United Nations in the maintenance of international peace and security. He supported moves to revitalize the Special Committee's work, which could only be done by means of the cooperative participation in its activities of the largest possible number of Member States, with equal consideration given to all proposals submitted. In that regard, it was vital to ensure that sufficient time was allocated for the discussion of such proposals.

34. Concerning the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, it was important to publish both in order to facilitate access by all interested parties to the record of the practices of the Organization since its establishment. To that end, it was essential that they should be issued in all the official languages of the United Nations and he consequently proposed the establishment of a voluntary financing mechanism for their publication in each of those languages. His country, for instance, was ready to contribute to the financing required to issue both publications in Arabic. He believed that his proposal would provide an incentive for contributions and therefore hoped that it would be considered.

35. **Mr. Tajima** (Japan), said that his delegation shared the concerns voiced by other delegations regarding the future of the Special Committee, since the latter had taken six years to reach a decision on ways and means of improving its working methods and enhancing its efficiency. The working methods adopted were not a panacea for the fundamental problems that the Special Committee faced, and the current situation was widely acknowledged to be unsatisfactory.

36. Regarding the *Repertoire of the Practice of the Security Council*, it was important to compile information on the practices of the Security Council in order to improve its working methods. Japan welcomed the progress made in that regard, as well as the Secretariat's two-track approach, and hoped that its contribution to the trust fund for the updating of the *Repertoire* in March 2006 would assist the continuing efforts to improve the transparency, inclusiveness and legitimacy of the Security Council's work and facilitate the development of its working methods.

37. **Mr. Guan** Jian (China) said that the Special Committee, with its broad mandate, played a vital role as the only permanent mechanism for deliberations on the Charter of the United Nations and on the

strengthening of the role of the Organization and had made valuable contributions to maintaining international peace and security and improving relations among States. While his delegation appreciated the efforts by some States to enhance the efficiency of the Special Committee on the basis of consensus, greater political will was needed on the part of other States if such efforts were to succeed.

38. With regard to the basic conditions for the application of sanctions, sanctions should not be introduced until all peaceful means of dispute settlement had been exhausted. They must comply with strict standard criteria and the relevant provisions of the Charter and international law. There should be a time frame for their application, and their outcome and impact should be reviewed in a timely and objective manner. It was regrettable that the constructive proposal concerning sanctions submitted by the Russian Federation had not been adopted.

39. Referring to the formulation of guiding principles for United Nations peacekeeping operations, he said that consideration of the issue of peacekeeping within other United Nations bodies should not prevent the Special Committee from discussing the issue from the perspective of the Charter and the strengthening of the role of the Organization. However, China had no objection to referring the issue to other United Nations bodies if that would improve the Committee's efficiency. The Special Committee should not consider the issue of amending the Charter unless mandated to do so by the General Assembly, for that issue should be considered prudently within the overall framework of United Nations reform and the strengthening of the role of the Organization.

40. **Ms. Negm** (Egypt) said that the Organization's continuing inability to formulate a clear and comprehensive policy on the peaceful settlement of disputes was attributable, inter alia, to a lack of political will, double standards in handling disputes of the same nature and lack of respect for the principles established under the Charter to address such disputes. The objective outcomes of the Special Committee's deliberations were welcome, for they showed that it could make a genuine contribution to the work of the United Nations provided that Member States possessed the necessary political will. She therefore urged all States to demonstrate such will, in order to ensure the success of the Special Committee's work.

41. The strengthening of the Organization required reform from within, not only through the reduction of expenses, the review of mandates and improved performance by the staff, but also through the commitment of the principal organs to their mandates. The Security Council should not, therefore, interfere in the work of the General Assembly, but should focus on its main role of establishing and maintaining international peace and security, especially in the Middle East, a task in which it must not fall victim to political influences. The main key to strengthening the role of the Organization was to enhance its capacity to settle disputes peacefully, independently of political and military pacts and unilateral and narrow bilateral interests, and through optimal use of the international collective security system established under the Charter, thus thwarting any attempt to legitimize acts undertaken outside of the Organization's scope.

42. The negative impact of sanctions was one of the most important issues on the agenda. Sanctions should be applied in accordance with the relevant provisions of the Charter and only if all peaceful means of dispute settlement had been exhausted and if the State concerned refused to comply with the relevant Security Council resolutions. They should be applied gradually in order to facilitate evaluation of their impact, and any negative impact on neighbouring States and peoples should be avoided. There should be a proper time frame for their application; they should not be applied indefinitely, nor should they be extended or lifted without a Security Council resolution to that effect. Lastly, they should be imposed only in situations that threatened international peace and security, such situations being evaluated on the basis of confirmed and authenticated information.

43. It was important to improve the Special Committee's working methods so that it could produce results, thus enabling Member States to discuss the outcome of the work and agree on specific suggestions for strengthening the Organization's role.

44. Her delegation welcomed the efforts to eliminate the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and reaffirmed the importance of completing the *Repertoire of the Practice of the Security Council* in order to develop further the working methods of the United Nations and its principal organs. It hoped that the publications concerned would soon be available in all the official languages on the United Nations website, thus creating

greater transparency in the Organization's work. It was essential to further cooperation between the Secretariat and the academic institutions responsible for the studies and research necessary to prepare the *Repertory* and the *Repertoire* and to apprise Member States of the nature of that cooperation. In conclusion, she emphasized the importance of the Special Committee's work relating to the enhancement of the role and power of the General Assembly as the principal policymaking organ of the United Nations.

45. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that the debate on the report of the Special Committee was particularly important at a time when world leaders had reaffirmed their faith in the United Nations and renewed their commitment to the purposes and principles embodied in the Charter and in international law.

46. With regard to sanctions, his delegation endorsed the view that sanctions should be imposed strictly in accordance with the relevant provisions of the Charter and only if all means of peaceful settlement of disputes had been exhausted. While it supported the idea of targeted sanctions, greater consideration should be given to the unintentional consequences of sanctions for civilian populations and third States. Any sanctions regime should be evaluated on a case-by-case basis in order to provide redress for damage caused.

47. Regarding the implementation of Security Council resolution 1698 (2006) on the situation concerning the Democratic Republic of the Congo, efforts should be made to ensure that measures taken were aimed at preventing illegal exploitation of natural resources to finance armed groups and militia that were still active in the East of the country, and not at preventing the Government from using the country's wealth for the good of the population.

48. Concerning the use of force, his delegation condemned any coercive action undertaken in violation of Chapter VI of the Charter. Military intervention was justified only if all peaceful means of settling a dispute had been exhausted, and in that regard, the Special Committee should recall the spirit of paragraph 77 of the 2005 World Summit Outcome. His delegation supported the proposal by Belarus and the Russian Federation to request an advisory opinion of the International Court of Justice on the legal consequences of the use of armed force for reasons other than self-defence or without the prior authorization of the Security Council.

49. His delegation endorsed the recommendations of the Secretary-General concerning the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and welcomed the progress made towards making all language versions of those documents available electronically. However, in view of the "digital divide" between the countries of the North and those of the South with regard to access to information and communication technologies, it was essential to ensure that printed versions of the documents were also available.

50. Lastly, his delegation supported the Egyptian proposal concerning the celebration of the sixtieth anniversary of the International Court of Justice, which played a pivotal role in the peaceful settlement of disputes.

51. **Ms. Wilcox** (United States of America), referring to sanctions, pointed out that while Article 50 of the Charter provided for consultations as a mechanism for discussing the effects of sanctions should special economic problems arise, it did not require the Security Council to take any specific action in addition to those consultations, contrary to the continuing assertions by some Member States that such a requirement existed.

52. In that regard, she welcomed the Secretary-General's report on implementation of the provisions of the Charter related to assistance to third States affected by sanctions (A/61/304) and the fact that since 2003 all the Security Council's existing sanctions regimes had been targeted, thus helping to minimize unintended economic problems for third States. As a result, during the period covered by the report, no sanctions committees had been approached by Member States concerning special economic problems arising from sanctions. However, the United States of America recognized that compliance with sanctions entailed costs in some cases, and would continue to consider those costs through appropriate mechanisms such as the international financial institutions.

53. While her delegation commended the efforts of the Japanese delegation and the co-sponsors of the working paper on improvement of the Special Committee's working methods, it was regrettable that the final text of the working paper was more modest than the original proposal, and further work was needed. She expressed the hope that that text would be

viewed as a useful first step in a continuing process to enhance the efficiency of the Special Committee, and urged that Committee to remain focused on ways to improve its productivity.

54. **Mr. Kamto** (Cameroon) said that since the strengthening of the role of the Organization formed a vital part of the reform process and was directly linked to the maintenance and consolidation of peace, it was appropriate to review the part the Special Committee played in strengthening the Organization. The task of adapting the United Nations to the upheavals and problems of an ever-changing world was a delicate one, requiring the exploration of ways of facilitating the Organization's evolution without undermining its foundations or making it too cumbersome. To that end, the Special Committee should be helped to fulfil its mandate effectively and give fresh impetus to its work. While the new working methods adopted by the Special Committee in April 2006 were welcome, those methods alone were insufficient to strengthen the Committee's role; they must be combined with the political will of all Member States if the Committee was to fulfil the hopes placed in it.

55. Cameroon attached great importance to the implementation of the provisions of the Charter related to assistance to third States affected by sanctions. While sanctions remained an important means of maintaining international peace and security without the use of force, they should be imposed only as a last resort and in accordance with the relevant provisions of the Charter. Their application should have a minimal negative impact on innocent populations; in that regard, Cameroon therefore supported the idea of targeted sanctions, which had few repercussions on civilian populations and third States. The various proposals regarding sanctions should be given further consideration in order to improve the effectiveness of United Nations sanctions regimes.

56. With regard to the strengthening of the role of the Organization the best way to achieve that objective was to revitalize the General Assembly so as to enable it to perform its functions more effectively and efficiently. That could only be done by consolidating the powers assigned to it under the Charter, especially those relating to the maintenance of international peace and security. It was particularly important to improve the relationship between the Security Council and the General Assembly in that area; for example, the Security Council should provide the General Assembly with adequate information on the relevant measures it was taking.

57. Cameroon continued to comply with the relevant mechanisms for the peaceful settlement of disputes, particularly recourse to the International Court of Justice, and supported the proposal concerning the sixtieth anniversary of the Court. In that regard, further consideration should be given to the idea of encouraging public awareness in the teaching, study and wider dissemination of the activities of the Court in the peaceful settlement of disputes with a view to identifying concrete ways and means of putting that idea into practice, and to reflect on effective means of ensuring the implementation of the Court's decisions in accordance with Article 94, paragraph 2, of the Charter or through a new mechanism. In order to protect peoples from the effects of armed conflicts, particular emphasis should be placed on promoting a culture of conflict prevention.

58. Cameroon welcomed the measures taken by the Secretary-General to reduce the backlog in the preparation of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, and urged States to make the necessary contributions to finance the publication of those documents, which preserved the institutional memory of the Organization.

59. **Mr. Cairo Palomo** (Cuba), noting that the Special Committee played a fundamental role in the current United Nations reform process, said that authentic reform would require effective compliance with the Charter by all Member States, restoring the central role of the Organization in the system of international relations, ensuring the international rule of law, re-establishing the collective security system and guaranteeing peace through the development of multilateralism and cooperation between States. Key elements in the reform process were the democratization of the principal organs of the United Nations, and in particular the revitalization of the General Assembly, the main deliberative, policymaking and representative organ, so that it could fully exercise all of the powers granted it by the Charter.

60. A permanent solution must be found to the problem of applying the provisions of the Charter in respect of assistance to third States affected by the application of sanctions. That problem should not be treated separately from the general issues relating to

the application of sanctions by the Security Council, and was indissolubly linked to the reform of the Council. In accordance with the spirit of the Charter, the imposition of sanctions was an extreme measure that should be considered only when there was a real threat to peace, a breach of the peace or an act of aggression, or when all measures for the peaceful settlement of disputes provided for in Chapter VI had been exhausted, and after careful evaluation of the short- and long-term economic, social and humanitarian effects of such sanctions. Pursuant to the Charter, the Council acted on behalf of all Member States, which meant that the imposition of sanctions should meet with the approval of the entire membership of the Organization; it should not be a second privilege of the permanent members of the Council, additional to that of the veto. Furthermore, sanctions should not be used as a means of coercion by certain permanent members. There was a clear need to democratize the Council's decision-taking procedures in the area of sanctions in order to guarantee that Council decisions truly reflected the collective will of the Organization.

61. Sanctions regimes must have clear objectives and specific time limits with periodic reviews, and must be adjusted in line with the prevailing humanitarian situation in the targeted State. Any attempt to use sanctions to change or modify a country's political or legal structure or to resolve international disputes was illegal under international law. Substantive changes should be made to the working methods of the Security Council Sanctions Committees, which suffered from the same flaws as the decisions and procedures of the Council itself, including a lack of transparency. In order to ensure that sanctions were an effective and fair mechanism, an authentic relationship had to be established between the General Assembly and the Security Council. The Assembly should exercise the functions assigned to it by the Charter in matters of peace and security. It should participate actively in the decision-making concerning the application of sanctions against a Member State and also in the subregional follow-up.

62. Many important proposals had been submitted to the Special Committee by various Member States, including Cuba, which deserved to be discussed, but the lack of political will on the part of certain States had impeded the Committee's progress in that area more than the latter's working methods.

63. Welcoming the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/61/153), and the efforts made to ensure that *Repertory* studies were available in English, French and Spanish on the Internet, he expressed concern regarding the future of that publication given the lack of resources.

64. **Mr. Popkov** (Belarus) said the Special Committee was the appropriate forum for considering the various legal aspects of the reform of the United Nations, including those deriving from the 2005 World Summit Outcome. In that regard, Belarus supported the proposal made by the representative of Guyana on behalf of the Rio Group. Concerning the addition of two new items to the Special Committee's agenda, but considered that that should not lead to a revision of the rules of procedure of the General Assembly.

65. The reform of the Organization should include the enlargement of the membership of the Security Council and the improvement in its working methods, the revitalization of the work of the General Assembly, and the strengthening of the role of the Economic and Social Council, especially with regard to mitigating the consequences of sanctions and coping with socio-economic, humanitarian and environmental crises. That could be done if a firm legal basis has created a process in which the Special Committee could play an active part.

66. Belarus favoured the rapid achievement of consensus regarding the revised working paper submitted by the Russian Federation on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures, which could be adopted in the form of either a declaration or an addendum to a General Assembly resolution. Sanctions should be regarded as an extreme, emergency measure to be taken in reaction to situations posing a threat to international peace and security. However, a rational rule should be formulated defining the relationship between the sanctions mechanism and the requirement concerning the prior exhaustion of all peaceful means of dispute settlement. More thought should be given to how stringent the working paper should be in that respect.

67. More should be done to establish an effective system for applying the Charter provisions concerning assistance to third States affected by sanctions, both

within the framework of the General Assembly and in the Sanctions Committees and working groups of the Security Council. A thorough legal analysis must be made of the entire spectrum of compensation and other measures so as to protect the economic interests of third States, chiefly the developing and least developed countries, and also in order to enhance the effectiveness of the sanctions by encouraging States to respect them.

68. Belarus agreed with those who had drawn attention to the measured results achieved by the Special Committee, often because of its working methods, but was not in favour of abolishing it. Belarus was ready to give further consideration to proposals aimed at improving the Special Committee's work, but insisted that its work must be based solely on rules that were in accordance with General Assembly procedures. The provisions in the working paper on working methods should take the form of recommendations.

69. With regard to the Belarus-Russian proposal that an advisory opinion be requested from the International Court of Justice, such an opinion could be of great significance in developing the principle of the non-use of force or threat of force contained in the Charter. It was hoped that the opinion would clarify, first, what legal consequences arose for States using force without prior authorization by the Security Council, albeit in compliance with the norms of international humanitarian law; second, whether a decision of the Security Council or the General Assembly was required in order to determine the existence of an aggression in the context of the legal consequences of non-compliance with the Charter provisions governing the use of armed force; and third, what legal consequences arose for the international community as a whole if a State or group of States used armed force in contravention of the Charter.

70. Belarus supported the proposal that the General Assembly, at its current session, should adopt a resolution commemorating the sixtieth anniversary of the International Court of Justice. Belarus considered that the Court could play a more prominent role in the system of international legal institutions by promoting interaction among them and the exchange of information on problems relating to the application of international law.

71. **Mr. Ri** Song Hyon (Democratic People's Republic of Korea) said that substantial action should be taken to ensure the central role of the United Nations in addressing major international issues. Undisguised unilateralism and high-handedness obstructed the establishment of equitable international relations and efforts to resolve international issues fairly. While that situation persisted, the United Nations could not fulfil the mission assigned to it in the Charter.

72. The General Assembly should be empowered to give final approval with regard to the use of armed force and the imposition of sanctions, as well as economic and social issues. Currently, sovereign States were being unscrupulously subjected to aggression by a super-Power and countries patronized by it, because the General Assembly could not exercise the right to take decisions regarding conflicts. Most sanctions were not used for the genuine resolution of conflicts but were used as a way of furthering the political interests of a few countries, including a super-Power. The credibility of the Security Council was decreasing because of its partiality and irresponsibility in regard to the imposition of sanctions.

73. One of the most serious and typical violations of the Charter was the "United Nations Command" in South Korea, which was in fact the Command of the United States military forces. No true reform of the United Nations could be envisaged as long as that relic from the last century, over which the United Nations had no control, was left intact because the super-Power was involved. Dismantling of the "United Nations Command", which had been abusing the name of the United Nations for more than half a century, should be the first subject of United Nations reform.

74. **Mr. Hoang Chi Trung** (Viet Nam) said the Charter provided that sanctions were to be envisaged once a threat to peace or a breach of peace had occurred, but only after all peaceful means of settlement had been exhausted. In reality sanctions imposed on targeted States might cause negative consequences for third States. Sanctions should be applied strictly in accordance with international law, especially the Charter, and in order to minimize or avoid adverse impacts they must be clearly defined, targeted and imposed for a specific period, be subject to periodic review and be lifted as soon as the reasons for their imposition had ceased to exist. Their ramifications should be taken into account and assessed prior to imposition, and assistance should be

given to affected third States in a practical and timely manner.

75. Viet Nam strongly supported the revised working paper submitted by the Russian Federation entitled "Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures". It also supported the Working Paper submitted by the Libyan Arab Jamahiriya on the strengthening of certain principles concerning the impact and application of sanctions. His delegation encouraged others to consider the papers in a cooperative spirit with a view to concluding the work on them as soon as possible. Viet Nam also welcomed the Security Council's decision to extend the mandate of the Informal Working Group on General Issues of Sanctions until 31 December 2006. He expressed support for the working papers submitted by Cuba entitled "Strengthening of the role of the Organization and enhancing its effectiveness", which contained valuable elements, and said that the General Assembly's role in the maintenance of peace and security should be further strengthened. He also expressed support for the working papers submitted by the Libyan Arab Jamahiriya and by Belarus and the Russian Federation. Viet Nam welcomed the adoption of the working paper on the working methods of the Special Committee sponsored by Japan, Australia, the Republic of Korea, Thailand and Uganda. Viet Nam also supported the adoption of the draft resolution proposed by Egypt and entitled "Commemoration of the sixtieth anniversary of the International Court of Justice".

76. **Mr. Kuzmin** (Russian Federation) said the Special Committee was one of the most important forums established by the General Assembly to discuss the Organization's legal problems, but recently its work had been less productive than in previous years. However, during its most recent session it had shown its ability to achieve results, with the adoption of rules for improving its procedures, and of a draft resolution concerning the commemoration of the sixtieth anniversary of the International Court of Justice. The Russian Federation supported the proposal made by Guyana on behalf of the Rio Group concerning the inclusion of two new items on the Special Committee agenda because they were very appropriate to its mandate, and urged the Committee to approve their inclusion.

77. The report of the Secretary-General on implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions (A/61/304) showed that the Organization had made little effort to deliver such assistance. It would be interesting for the General Assembly to acquaint itself with the methods and procedures mentioned in the report, and he requested the Secretary-General to prepare the necessary material and present it to the Special Committee at its next session.

78. With regard to the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/61/153), those publications were a valuable repository of institutional memory yet their financing remained a difficult issue. The Russian Federation proposed that their preparation and publication should once again be financed out of the Organization's budget. As for the Special Committee's recommendation concerning wider cooperation with academic institutions and the increased use of interns and outside experts in work on the *Repertory* and the *Repertoire*, the Russian Federation realized that such measures were unavoidable but felt that a number of aspects had to be taken into consideration: the system of involving outside experts and institutions had to be transparent and equitable, and all States had to have the opportunity to participate; also, it was important not to forget that the Secretariat has the responsibility for the quality of the two publications. His delegation was seriously concerned about the changes in the format of the *Repertoire of the Practice of the Security Council* mentioned in the report. It understood the Secretariat's desire to speed up preparation but that should not be done at the cost of quality. The principles laid down by the Secretary-General in 1952 regarding work on the *Repertory* and the *Repertoire* must be strictly adhered to.

79. Turning to the future fate of the Trusteeship Council, he said that the Russian Federation had supported the decision of the World Summit that it be abolished. Nevertheless, the decision to make changes to the Charter should be considered in the overall context of reform of the Organization.

80. **Mr. Choi** Sung-soo (Republic of Korea) expressed the hope that the Special Committee's newly adopted working methods would enhance its efficiency. Commenting on the statement by the representative of

the Democratic People's Republic of Korea that the United Nations Command on the Korean peninsula had been established unlawfully, he recalled that the use of the United Nations flag by the Command had been authorized by the Security Council in its resolution 84 of 7 July 1950. Two Security Council decisions, namely resolution 84 (1950) and resolution 88 (1950), both adopted in due procedural form, recognized the United Nations Command as the entity entrusted with the function of maintaining peace on the Korean peninsula. The General Assembly had also adopted two resolutions on the Korean question, resolution 3390 (XXX) A and resolution 3390 (XXX) B. Resolution A urged all parties directly concerned to enter into negotiations on new arrangements to replace the 1953 Korean Military Armistice Agreement, and to reduce tension and ensure a lasting peace in the Korean peninsula. Resolution B, the one mentioned by the representative of the Democratic People's Republic, ran counter to resolution A. Since the two resolutions cancelled each other out, it was misleading to imply that there was one authoritative General Assembly resolution on the matter, or to mention only one of the resolutions without the other. However, the Sixth Committee was not the appropriate forum to discuss the status of the United Nations Command, which could only be decided in tandem with the replacement of the Armistice Agreement by a Peace Agreement.

81. **Mr. Elji** (Syrian Arab Republic) said that he was extremely concerned by the double standards and policies in operation. Sanctions, for instance, were now being used more than ever before in a way that often damaged the Organization's credibility. Coercive political or economic sanctions imposed without Security Council authorization were a dangerous, illegitimate and arbitrary practice that was incompatible with international law. Sanctions could be imposed only under Chapter VII of the Charter of the United Nations and only then after all of the means available under Chapter VI had been exhausted, the point of which was to avoid any negative consequences for the civilian population of the target State or for third States. Sanctions should be imposed fairly in accordance with the Charter, with thorough consideration given to their long- and short-term effects, which should exclude any punishment of the populace. There should be a specified time frame and the conditions demanded of the target State should be defined clearly from the outset, with sanctions being lifted on removal of the threat to international peace and security. Third States affected by sanctions should be entitled to claim compensation and basic conditions and standard criteria for the introduction and implementation of sanctions should be formulated to include ways of preventing or minimizing any negative consequences. In short, sanctions were a problem that had humanitarian, legal and political dimensions. In that connection, the revised working paper submitted by the Russian Federation was highly pertinent and merited full attention. He also noted the comments on sanctions contained in the final document adopted by the Fourteenth Summit Conference of Heads of State or Government of the Non-Aligned Movement in September 2006. Those comments were a first step towards the formulation of criteria for sanctions, yet further dialogue within the Special Committee aimed at building on the ideas articulated in that document had been precluded by the lack of political will on the part of some States.

82. He also supported the working papers submitted by Cuba on strengthening the role of the Organization and enhancing its effectiveness, as well as the revised proposal submitted by the Libyan Arab Jamahiriya in connection with that same topic, particularly in regard to the Security Council, which he hoped would soon be enlarged and its working methods reformed. The role of the General Assembly should also be revitalized to ensure the effective performance of its mandate, notably in regard to the maintenance of international peace and security. It was thus important that the Sixth Committee should continue to explore and follow up the issue. He also supported the revised working paper submitted by Belarus and the Russian Federation concerning the proposal to request an advisory opinion from the International Court of Justice, which had been unanimously favoured with the exception of one State that continued to voice its unreasonable opposition.

83. With regard to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, he noted with concern the ongoing backlog of certain volumes, not least because it would grow further in 2007 with the coverage of new periods on which work had not yet begun. He hoped that hard copies would soon be published and added that the preparation of studies for the *Repertory* should be supported through a redistribution of resources to the appropriate unit. The contribution of interns to that preparation was invaluable but it required a certain expertise. It was

therefore essential to vet the skills of such interns, as well as their impartiality. He called for contributions to the trust fund for the *Repertory* and proposed the use of savings for translation of the two publications into the remaining official languages, since they constituted both the official record and the institutional memory of the Organization.

84. Concerning the working methods of the Special Committee, he underscored the right of States to submit proposals aimed at strengthening that Committee's role and noted the Committee's recommendations in that regard had been adopted on the understanding that they would not be subject to the review of legislative mandates. He was reluctant to accept those recommendations, however, in view of some of the comments made on them.

Agenda item 80: The rule of law at the national and international levels (*continued*) (A/61/142)

85. **Ms. Sotaniemi** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and Serbia; and, in addition, Iceland, Moldova, Norway and Ukraine, endorsed the inclusion of the item in the Committee's agenda. Respect for the rule of law was the foundation for peaceful coexistence among nations. An international judicial system was likewise essential in developing accountability for the most serious crimes committed by nations and individuals. The establishment of the special tribunals for the former Yugoslavia, Rwanda and Sierra Leone, and of the International Criminal Court, had strengthened the international rule of law by removing impunity for individuals. The European Union was committed to upholding and developing an international order based on international law, including human rights law, with the United Nations at its core. Clear and foreseeable rules, adherence to those rules and an effective multilateral system to prevent or sanction violations, were preconditions for lasting international peace and security.

86. At the national level, the rule of law was founded on the principle of legality, the balanced separation of powers, respect for international law including human rights, and access to justice for all. The need for justice was greatest in conflict and post-conflict situations, when judicial structures might well have been undermined. The 2005 World Summit Outcome recognized the nexus between peace and security, development and the rule of law, and especially respect for human rights.

87. The Sixth Committee and the International Law Commission had played an important role over the years in the codification and progressive development of international law. The annual debate in the Sixth Committee on the Commission's report was an opportunity for mutually beneficial interaction with the Member States and international actors, including other organs of the United Nations system. The European Union invited the Bureau and the Secretariat to explore ways to reinforce that interaction. It welcomed the introduction of informal interactive debates, panel discussions and question-and-answer sessions. Informal interactive debates with members of the Commission should become a regular event during the annual International Law Week, and informal meetings between Member States and Commission members could perhaps be organized at other times.

88. The European Union welcomed the discussion on promoting the ratification and implementation of treaties. It was pursuing the same topic internally. The principle of the supremacy of international obligations over obligations under national law was well established. The principle codified in article 27 of the Vienna Convention on the Law of Treaties that the provisions of domestic law could not be invoked to justify failure to perform a treaty obligation was particularly important for the integrity of treaties, and so was the Commission's current work on the legal effects of reservations and objections to treaties. Welcoming the annual Treaty Events at the United Nations, she suggested organizing presentations and discussions, under a different theme each year, on best practices and lessons learned regarding the implementation of the key treaties, drawing upon the expertise and experience of the Office of Legal Affairs and organs such as the United Nations Office on Drugs and Crime, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the Office of the High Commissioner for Human Rights. The European Union was already providing assistance to States on the ratification and implementation of the Rome Statute of the International Criminal Court.

89. The open debate held in the Security Council in June 2006 had drawn attention to the crucial role of the International Court of Justice in maintaining and restoring international peace and security, based on the obligation of States to settle their disputes through peaceful means. The 2005 World Summit Outcome contained a recommendation that States which had not yet accepted the Court's jurisdiction should consider doing so. The United Nations provided valuable opportunities for following the work of the Court and other international judicial bodies for the settlement of disputes, including visits by the President of the Court to the Sixth Committee during International Law Week. The European Union also looked forward to the first informal meeting of the Committee with the President of the International Tribunal for the Law of the Sea.

90. She welcomed the establishment of the Peacebuilding Commission and other Security Council peacebuilding initiatives, which should, however, also be considered in the General Assembly. The report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616) was an important milestone in respect of peacebuilding. The absence of the rule of law, manifested in either impunity or lawlessness, undermined public confidence, hindered development and led to organized crime and terrorism and to renewed conflict. The European Union welcomed the rule of law mandates given to new peacekeeping and peacebuilding missions. Progress had been made in transitional justice, with many missions now supporting vetting, truth commissions and prosecutions, and encouraging wider involvement of local people. It was therefore regrettable that the report of the Secretary-General had not been followed up in the two years which had elapsed since it was issued. She urged the Secretariat to act upon the request made by the Security Council to that effect in June 2006.

91. The European Union was concerned that adequate resources should be secured for post-conflict rule of law activities. It urged the Secretary-General to act on the proposal endorsed in the 2005 World Summit Outcome to create a dedicated rule of law assistance unit within the Secretariat. Such a unit was necessary in order to coordinate work currently divided among numerous departments and agencies within the United Nations system. It should be established at a sufficiently senior level in the Secretariat to ensure effective coordination, taking account of the central role of the Office of Legal Affairs in providing substantive legal advice. It should have a broad mandate, including the coordination and streamlining of all rule of law activities within the system, the facilitation of technical assistance, recommendations for strengthening the rule of law, and cooperation with other organizations, funds and programmes active in the same field. Within United Nations missions, all units whose role was vital to the rule of law must cooperate to the maximum so that domestic justice systems could be promptly rebuilt.

92. Lastly, the European Union supported the suggestion that the Committee should each year choose a sub-topic for special attention, provided discussions elsewhere in the United Nations were not duplicated. The topic chosen for the following year should be identified in a resolution. She also endorsed the proposal for an analytical report by the Secretary-General as a basis for the debate within the Committee.

93. **Ms. McIver** (New Zealand), speaking on behalf of Australia and Canada as well as her own country, said that the main goal of the United Nations at the time of its foundation had been to bring the rule of law into international relations. The Charter was the central framework for the rule of law in international affairs, and the work of the United Nations, including its work in human rights, peacekeeping, disarmament, development and good governance, underpinned the rule of law at the national level. She emphasized the importance of Member States supporting the Organization's work to promote the rule of law, including the work of the International Law Commission, the International Court of Justice, the International Criminal Court and the ad hoc criminal tribunals. The General Assembly also had an important role to play in promoting the Organization's rule of law activities. The work of the Sixth Committee on the rule of law should be practical and action-oriented, and should not duplicate work being done by other committees or other organs of the United Nations. The Committee should therefore refrain from discussing the scope or definition of the rule of law, and should instead focus on establishing modalities for the agenda item with a view to tackling it in a productive manner at its next session.

94. Canada, Australia and New Zealand all supported the identification of one or two topics for the Committee to discuss in the context of the item on the rule of law. Two possible topics were international

criminal justice, including so-called "residual" or "legacy" issues arising from the completed work of international and hybrid criminal courts and tribunals; and the need for better coordination of technical assistance through the United Nations for the rule of law, and assistance from the United Nations for the adoption and implementation of treaties. The exchange of information about rule of law needs, developments and activities among organs and agencies of the United Nations, and between the United Nations, Member States and civil society, stood in need of improvement. For that purpose, she looked forward to the Secretariat's advice on the establishment and mandate of the future rule of law assistance unit.

95. **Ms. Khan** (Pakistan) said that the rule of law was crucial to achieving social and economic justice as well as international peace and stability. In that context, the role of United Nations peacekeeping troops in post-conflict situations was a source of satisfaction for the troop-contributing countries, including Pakistan. The need for justice and the rule of law had to be integrated into any international or United Nations involvement in post-conflict societies. In those situations, help was needed for national institution-building and capacity-building for judicial systems. Local and informal traditions for the administration of justice and the settlement of disputes could be drawn upon, to the extent that they were consistent with international norms. Further incentives to preserve the rule of law came from reconstruction efforts, economic revival and employment creation.

96. The culture of impunity should never be allowed to prevail. Her country fully supported the mandate and work of the international criminal tribunals for Rwanda and the former Yugoslavia, which had shown that nobody was above or beyond the reach of international law. Responsibility for crimes against humanity must be traced upwards through the chain of command, and concerted efforts made to arrest fugitives and bring them to justice. Impunity for financial crimes should likewise be brought to an end. Cooperative mechanisms to restore to their countries of origin funds or other assets acquired unlawfully or through corruption should be strengthened and improved.

97. National rule of law strategies complemented those used at the international level, and the current inconsistency in applying the rule of law at the two levels must be eliminated. The decisions of the Security Council, under either Chapter VI or Chapter VII of the Charter, must be implemented without discrimination. Selective implementation created an unjust environment and eroded the credibility of the United Nations.

98. There was also a need to strengthen the international judicial system through the international judicial institutions. The Security Council should make maximum use of the International Court of Justice. Situations posing a threat to international peace and security must be dealt with according to the principles in the Charter, and especially those relating to collective security, which governed the use of force.

99. Her delegation supported the proposal in document S/2006/367 aimed at enhancing the efficiency and credibility of sanctions regimes instituted by the United Nations. The use of such regimes in recent years had raised fundamental legal issues relating to the listing and de-listing procedures of the various sanctions committees, and those issues must be addressed as a matter of priority.

The meeting rose at 6 p.m.